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4 JAMES FREEMAN,  
5 Plaintiff,  
6 v.  
7 SUMMERWIND PACIFIC PROPERTIES,  
8 L.P.,  
9 Defendant.

10 Case No. 20-cv-08293-VKD  
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**13 ORDER TO SHOW CAUSE RE  
14 SETTLEMENT**

15 The Court having been informed that the parties have settled this dispute, all previously  
16 scheduled deadlines and appearances are VACATED.

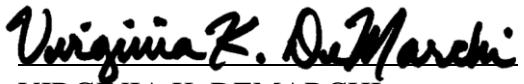
17 On or before **April 4, 2022**, the parties shall file a stipulated dismissal pursuant to Fed. R.  
18 Civ. P. 41(a)(1)(A)(ii). Rule 41(a)(1)(A) permits a plaintiff to voluntarily dismiss a case without a  
19 court order (i) by notice if the defendant has not filed an answer or motion for summary judgment,  
20 or (ii) by stipulation signed by all parties who have appeared. Because defendant has filed both an  
21 answer and a motion for summary judgment, the parties must file a stipulated dismissal pursuant  
22 to Rule 41(a)(1)(A)(ii).

23 If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom  
24 2, 5th Floor, 280 South First Street, San Jose, California 95113 on **April 12, 2022 at 10:00 a.m.**  
25 and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a).  
26 Additionally, the parties shall file a statement in response to this Order to Show Cause no later  
27 than **April 5, 2022** advising as to (1) the status of the activities of the parties in finalizing  
28 settlement; and (2) how much additional time, if any, is requested to finalize the settlement and  
file the dismissal. If a dismissal is filed as ordered, the Order to Show Cause hearing will be

1 automatically vacated and the parties need not file a statement in response to this Order.

2 **IT IS SO ORDERED.**

3 Dated: February 3, 2022

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VIRGINIA K. DEMARCHI  
United States Magistrate Judge